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Without prejudice to presenting additional arguments on the differences between Cejka and the rejected claims, Cejka does not appear to serve as an appropriate basis for the rejection of the pending claims under 35 U.S.C. §103. Cejka appears to qualify as prior art against the rejected claims under 35 U.S.C. §102(e), (f) or (g). However, Cejka and the present application were under a common obligation of assignment to 3M Innovative Properties Company at the time the present invention was made, as evidenced by the recorded assignments in each of the corresponding applications. Consequently, Cejka should not present a bar to patentability of the pending claims. See, 35 U.S.C. §103(c). Applicants therefore respectfully request the reconsideration and withdrawal of this rejection.

The Final Office Action rejected claims 1-3, 5-7, 9-10, 19-20 and 24 under 35 U.S.C. §103(a) as obvious in light of Crawley et al. (US 5,948,707). The Office recognizes that Crawley fails to explicitly disclose either the claimed coefficient friction or the claimed aspect ratio. The Final Office Action also rejected claims 11-18 under 35 U.S.C. § 103(a) as obvious over the disclosure of Crawley in view of Lind (US 4,204,532), which is said to disclose an intermediate fenestration material. Claim 23 was rejected under 35 U.S.C. §103(a) as obvious in light of Crawley combined with Chen (US 3,972,328).

Regarding Crawley, the Crawley reference discloses certain non-slip, waterproof and water permeable fabrics made by applying a discontinuous coating of "dots" or other such shapes on one surface of a permeable film (see Crawley, e.g., Abstract). The Office cites Crawley's disclosure at col. 7, lines 20-25 which describes, in only the most general terms, the application of several alternative geometries to hemispherical dots (having, at most, an aspect ratio of 1.0). The Office fails to present evidence in taking the position that it would be a matter of routine experimentation to arrive at geometries having the instantly claimed aspect ratio of at least about 1.25. Consequently, the Office has failed to establish a *prima facie* case for obviousness.

Crawley teaches the application of a discontinuous raised pattern by coating or printing methods (see col. 7, lines 5-10). These methods are known in the art for producing only relatively thin coatings. This is evidenced in the only two Examples

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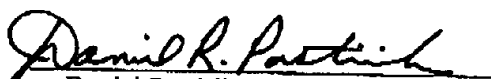
in the reference. Example 1 notes that "[t]he dots appeared to be raised slightly above the surface" of the film (Crawley, col. 10, ll. 8-10), and Example 2 similarly notes that "[i]n the case of all patterns used, the non-slip pattern appeared to rise slightly above the . . . film when viewed by the naked eye." (Crawley, col. 11, ll. 19-21). In light of the complete absence of any teaching or suggestion to make a raised pattern with an aspect ratio of at least about 1.25, Crawley is inadequate to render the subject matter of the rejected claims obvious. Moreover, Crawley does not teach or suggest stems formed integrally with the backing layer.

For at least the foregoing reasons, Applicants submit that the rejected claims are patentable over Crawley. Also, because none of the cited secondary references cure the defects of Crawley, the rejected claims are also patentable over Crawley in view of the Lind and Chen references. Reconsideration and withdrawal of the rejection based on Crawley is requested.

Applicant has endeavored to address all of the issues raised in the Final Office Action. It is believed that the application is now in condition for allowance and the allowance of all pending claims is requested.

Respectfully submitted,

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Daniel Pastirik
Registration No. 33,025
Attorney for Applicants

3M Office of Intellectual Property Counsel
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone: (651) 737-2685

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Version with markings to show amendments made:

In the Abstract

Friction control articles for use in healthcare applications, the articles generally comprising a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems, wherein at least a portion of the exterior surface of the stems comprises an elastomeric material. Also disclosed are friction control articles having a coefficient of friction when dry along at least a portion of the first surface [is] of at least 0.6. Multilayered and dual-sided friction control articles are also provided.

In the Claims

I. A medical drape comprising:

a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems which are integrally formed with the backing layer;

wherein at least a portion of the exterior surface of the stems comprises an elastomeric material selected from the group consisting of anionic triblock copolymers; thermoplastic elastomers based on halogen-containing polyolefins; thermoplastic elastomers based on dynamically vulcanized elastomer-thermoplastic blends; thermoplastic polyether ester and polyester based elastomers; thermoplastic elastomers based on polyamides or polyimides; ionomeric thermoplastic elastomers; hydrogenated block copolymers in thermoplastic elastomer interpenetrating polymer networks; thermoplastic elastomers made by carbocationic polymerization; polymer blends containing styrene/hydrogenated butadiene block copolymers; polyacrylate-based thermoplastic elastomers; natural rubbers; butyl rubbers; EPDM rubbers; silicone rubbers; polyisoprenes; polybutadienes; polyurethanes; ethylene/propylene/diene terpolymer elastomers; chloroprene rubbers; random and

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block styrene-butadiene copolymers; random and block styrene-isoprene copolymers; acrylonitrile-butadiene copolymers; and mixtures and copolymers thereof;

wherein the aspect ratio of the stems on the first surface of the backing layer is at least about 1.25; and

wherein the drape has a static coefficient of friction when dry along at least a portion of the first surface is at least 0.6.

24. A medical drape comprising:

a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems which are integrally formed with the backing layer;

wherein the aspect ratio of the stems on the first surface of the backing layer is at least about 1.25; and

wherein the drape has a static coefficient of friction when dry along at least a portion of the first surface is at least 0.6.